

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GREGORY O. GARMONG,

Plaintiff,

vs.

TAHOE REGIONAL PLANNING AGENCY,  
et al.,

Defendants.

Case No. 3:17-CV-00444-RCJ-WGC

**ORDER**

Following appeal, this Court held a status hearing on July 20, 2020 to determine how the case shall proceed. (ECF No. 132.) At this hearing, the Court instructed Plaintiff to refile his motion for a preliminary injunction and to amend his complaint if he desired; both within fifteen days. The Court also gave leave for Defendants to refile motions to dismiss but did not provide a deadline. Lastly, the Court instructed the parties to file in-blind briefs on the issue of claim-by-claim standing, which they have, (ECF Nos. 133–34.) In Plaintiff’s brief, he “elect[ed] not to amend his complaint and] to rest on his first amended complaint” and “request[ed] that the Court decide the pending Motion for Preliminary Injunction and elect[ed] not to file a new or revised motion.” (ECF No. 133.)

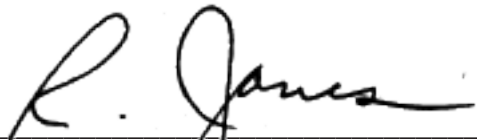
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1 This Court therefore orders that Defendants file an updated response to Plaintiff's motion  
2 for a preliminary injunction by December 4, 2020. Plaintiff may file an updated reply to this  
3 response by December 18, 2020. In these briefs, the parties should address whether the motion is  
4 moot as the construction appears to be complete. The record for Permit # ERSP2015-0778 is listed  
5 on both TRPA's parcel information database and its Accela Citizen Access database as "Project  
6 Completed." ERSP2015-0778, TRPA Parcel Tracker,  
7 <https://parcels.laketahoeinfo.org/AccelaCAPRecord/Detail/ERSP2015-0778> (last visited Aug. 25,  
8 2020); Record ERSP2015-0778, TRPA Accela Citizen Access, [https://aaweb.trpa.org/  
9 CitizenAccess/Cap/CapDetail.aspx?Module=Building&TabName=Building&agencyCode=TRP  
10 A&capID1=15HIS&capID2=00000&capID3=00986](https://aaweb.trpa.org/CitizenAccess/Cap/CapDetail.aspx?Module=Building&TabName=Building&agencyCode=TRPA&capID1=15HIS&capID2=00000&capID3=00986) (last visited Aug. 25, 2020). On the Parcel  
11 Tracker page, one of the "CAP DOCUMENTS" is "FINAL INSPECTION PHOTOS TAKEN 10-  
12 29-2019," which includes photographs showing finished asphalt paving, landscaping, fencing, and  
13 the monopole itself. Finally, both sites indicate that Defendant Verizon's security interest was  
14 released on "11/15/19."

15 Additionally, Defendants shall file their motions to dismiss the operative complaint by  
16 December 4, 2020. Responses and replies to these motions shall follow the ordinary course of  
17 briefing as dictated by the LR 7-2(b).

18  
19 IT IS SO ORDERED.

20 Dated November 12, 2020.

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23 ROBERT C. JONES  
24 United States District Judge